

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: May 16, 2006 - KL

Division: County Attorney

Bulk Item: Yes X No     

Department: County Attorney

Staff Contact Person: Susan Grimsley, #3477

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**AGENDA ITEM WORDING:**

Public hearing to consider adoption of an ordinance repealing Sections 15.5-81 through 15.5-85 of the Monroe County Code which created the Marathon Municipal Service Taxing Unit.

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**ITEM BACKGROUND:**

The BOCC enacted ordinance(s) establishing the Marathon Municipal Service Taxing Unit to provide for the collection of ad valorem taxes to provide funding for wastewater services for the area within the district and define its boundaries. On October 25, 2005, the City of Marathon entered into an Interlocal Agreement with the Florida Keys Aqueduct Authority and now has the authority to deal with all issues concerning wastewater, pursuant to its municipal powers, which include the authority to levy its own ad valorem taxes for this purpose.

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**PREVIOUS RELEVANT BOCC ACTION:**

On 12/18/02 BOCC approved Ordinance No. 035-2002 establishing the Marathon MSTU.

On 5/12/03 BOCC approved Ordinance 017-2003 amending its boundaries.

On 4/19/06, the BOCC approved the scheduling of a public hearing to consider the repeal of Sections 15.5-81 through 15.5-85 to abolish the Marathon MSTU.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes      No     

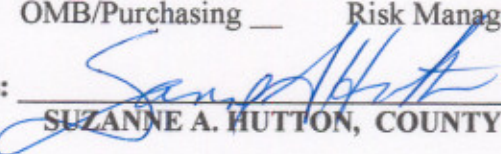
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes      No     

**AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty ✓ OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**  4/21/06  
SUZANNE A. HUTTON, COUNTY ATTORNEY

**DOCUMENTATION:** Included X To Follow      Not Required     

**DISPOSITION:**                     

**AGENDA ITEM #**



**NOTICE OF INTENTION TO CONSIDER  
ADOPTION OF COUNTY ORDINANCE**

**NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN** that on **May 16, 2006 at 3:00 P.M.** at the Key Largo Library, Tradewinds Shopping Center, 101485 Overseas Highway, Mile Marker 101, Key Largo, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REPEALING SECTIONS 15.5-81 THROUGH 15.5-85 OF THE MONROE COUNTY CODE WHICH CREATED THE MARATHON MUNICIPAL SERVICE TAXING UNIT FOR THE COLLECTION OF AD VALOREM TAXES AND PROVIDED FUNDING FOR WASTEWATER SERVICES FOR THE AREA WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Copies of the above-referenced ordinance are available for review at the various public libraries in Monroe County, Florida.

Dated at Key West, Florida, this 21st day of April, 2006.

DANNY L. KOLHAGE, Clerk of the Circuit Court  
and ex officio Clerk of the Board of County  
Commissioners of Monroe County, Florida

(SEAL)

Publication dates:

Reporter	(Fr) 4/28/06	(Fr) 5/5/06
Keynoter	(Sa) 4/29/06	(Sa) 5/6/06
KW Citizen	(Su) 4/30/06	(Su) 5/7/06



ORDINANCE NO. \_\_\_\_\_-2006

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REPEALING SECTIONS 15.5-81 THROUGH 15.5-85 OF THE MONROE COUNTY CODE WHICH CREATED THE MARATHON MUNICIPAL SERVICE TAXING UNIT FOR THE COLLECTION OF AD VALOREM TAXES AND PROVIDED FUNDING FOR WASTEWATER SERVICES FOR THE AREA WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, Florida Statute Section Sec. 125.(1)(q) authorizes a county to establish and abolish municipal service taxing units within a municipality if the governing board of the municipality passes an ordinance consenting to the tax; and

**WHEREAS**, Board of County Commissioners passed Ordinance No. 035-2002 on December 18, 2002 establishing the Marathon Municipal Service Taxing Unit, subsequently amending its boundaries by Ordinance 017-2003 enacted on May 12, 2003; and

**WHEREAS**, the City of Marathon passed a consenting ordinance as required under Florida Statute Sec. 125.01(1)(q); and

**WHEREAS**, the City of Marathon has authority to deal with all issues concerning wastewater pursuant to its municipal powers and an interlocal agreement with the Florida Keys Aqueduct Authority dated October 25, 2005; and

**WHEREAS**, the City of Marathon has the authority to levy its own ad valorem taxes for the purposes of dealing with wastewater, making such a levy by Monroe County through a municipal services taxing unit unnecessary;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

Section 1. Sections 15.5-81 through 15.5-85 of the Monroe County Code of Ordinances are hereby repealed.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Monroe County Code of Ordinances, as an addition or amendment thereto, and if necessary, shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

a regular meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem  
Commissioner George Neugent  
Commissioner David Rice  
Commissioner Dixie Spchar

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(SEAL)

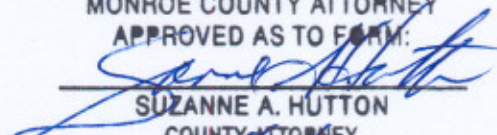
Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
SUZANNE A. HUTTON  
COUNTY ATTORNEY

Date 8/24/06